



PATENT  
Docket No.: 3282.2.1

## DECLARATION, POWER OF ATTORNEY AND PETITION

We, John Fralick, David L. Breiter, Jack Peterson, Mindy Gilbert, Marvin Distel, Ryan Newman, and Joel Erickson, having residence and post office addresses of 442 A Street, Salt Lake City, Utah 84103, 326 West 800 South, Orem, Utah 84058, 1480 North 2040 West, Provo, Utah 84604, 9161 Silver Lake Drive, Cedar Hills, Utah 84062, [Marvin Distel address unknown], 420 North Amerigo Lane, Elk Ridge, Utah 84651, and 1007 Scenic Drive, Spanish Fork, Utah 84660, respectively; verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled "BIO-PHOTONIC FEEDBACK CONTROL SOFTWARE AND DATABASE," for which a patent is sought and which is described and claimed in the specification of pending U.S. Patent Application Serial No. 10/782,733, filed on February 19, 2004; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed U.S. Provisional Patent Applications Serial No. 60/448,996 filed February 20, 2003 and entitled SEAMLESS GLOBAL COMPENSATION SYSTEM, now pending; and, insofar as the subject matter of the claims of this application are not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, we acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which became available between the filing date of the earlier filed application and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.


We hereby appoint as our attorneys A. John Pate, Gary D. E. Pierce, Hal D. Baird, David B. Fonda, Warren M. Pate, Daniel P. Nelson, and Michael G. Pate, Registration Nos. 36,234, 38,019, 42,284, 39,672, 54,364, 52,063, and 53,439, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

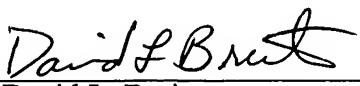
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Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.


Signed at Provo, Utah, this 22 day of June, ~~XXXX~~ 2004  
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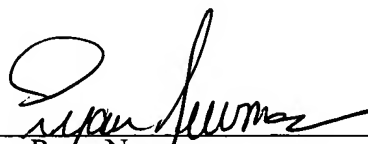
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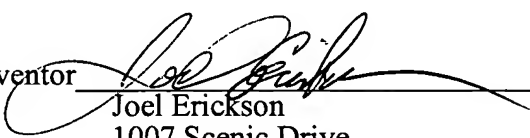
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